

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MARK FREGIA,

Plaintiff,

v.

MIRANDA, *et al.*,

Defendants.

No. 1:21-cv-01068 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
PLAINTIFF'S MOTION FOR EMERGENCY  
INJUNCTION

(Doc. 90)

Mark Fregia asserts that Defendants Ridge and Savage demonstrated deliberate indifferent to Plaintiff's serious medical needs by continuing to prescribe medications that caused him to suffer lichen planus and then failed to treat such skin condition.

Plaintiff next filed a notice to the Court regarding his property. (Doc. 89.) Afterwards, he filed a request for emergency injunction and stay of further proceedings (Doc. 90), and then he filed a motion for Ridge to be directed to obtain his own counsel (Doc. 91).

The assigned magistrate judge issued an order finding no merit to Plaintiff's argument that the Attorney General's representation of Ridge created a conflict of interest and denied Plaintiff's motion to stay the proceedings in this action. (Doc. 92.) The magistrate judge also issued Findings and Recommendations to deny Plaintiff's request for injunctive relief. (*Id.*) The deadline for Plaintiff to file any objections to the Findings and Recommendations was extended during the pendency of an appeal to the Ninth Circuit. (Docs. 93, 97, 98.) Following dismissal of

1 the appeal for lack of jurisdiction, the magistrate judge reset the deadline for Plaintiff's to file any  
2 objections. (Docs. 99, 100.)

3 Plaintiff timely filed objections. (Doc. 104.) Plaintiff reiterates many of his arguments  
4 regarding the alleged conflict of interest presented by the Attorney General's Office  
5 representation of Ridge, as well as his disagreement with the finding that Plaintiff's loss of legal  
6 property does not require stay of this action. (*Id.*) Significantly, however, Plaintiff does not  
7 contest the finding that the Court lacks jurisdiction over the prison officials who might carry out  
8 the requested relief. Plaintiff also does not establish that he will suffer irreparable harm in the  
9 absence of such relief. Thus, Plaintiff fails to show the requested injunctive relief should be  
10 granted. Plaintiff's remaining arguments—which relate to the other motions addressed by the  
11 magistrate judge—are not relevant to the Court's review of the instant motion.

12 According to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the  
13 case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court  
14 concludes that the Findings and Recommendations are supported by the record and by proper  
15 analysis. Thus, the Court **ORDERS**:

- 16 1. The Findings and Recommendations issued on March 8, 2023 (Doc. 92), are  
17 **ADOPTED** in full.
- 18 2. Plaintiff's motion for emergency injunction (Doc. 90) is **DENIED**.
- 19 3. The matter is referred to the assigned Magistrate Judge for further proceedings.

20  
21 IT IS SO ORDERED.

22 Dated: May 24, 2023

  
UNITED STATES DISTRICT JUDGE